

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Case No. 1:19-cv-00477-CCE-LPA**

THE ESTATE OF NAJEE ALI BAKER,
by and through his Ancillary Administrator,
Jemel Ali Dixon,

Plaintiff,

v.

WAKE FOREST UNIVERSITY, a North Carolina non-profit corporation and institution of higher education; THE PI OMICRON CHAPTER OF DELTA SIGMA THETA SORORITY, INC., a North Carolina unincorporated association; RHINO SPORTS & ENTERTAINMENT SERVICES, LLC, a North Carolina limited liability corporation; JOHN DOE OFFICER OF THE WAKE FOREST UNIVERSITY POLICE DEPARTMENT, individually and as an agent of Wake Forest University; JOHN DOE SECURITY STAFF OF THE WAKE FOREST UNIVERSITY POLICE DEPARTMENT; individually and as an agent of Wake Forest University; JOHN DOE RHINO SECURITY STAFF 1-2, individually and as agents and employees of Rhino Sports & Entertainment Services, LLC;

Defendants.

**JOINT MOTION
TO STAY PROCEEDINGS**

Plaintiff Estate of Najee Ali Baker, by and through his ancillary administrator Jemel Ali Dixon, and Defendants Wake Forest University (the “University”), the Pi Omicron Chapter of Delta Sigma Theta Sorority, Inc. (the “Sorority”), and Rhino Sports & Entertainment Services, LLC (“Rhino,” and together with Plaintiff and the other

Defendants, the “Parties”) by and through their undersigned counsel of record respectfully move this Court to stay the proceedings pending the outcome of the Parties’ upcoming mediation.

1. This lawsuit centers on a shooting that occurred on Wake Forest’s campus in January 2018 after the conclusion of a party hosted by the Sorority and at which party Wake Forest University Police and Rhino staff provided security.

2. In May 2019, Plaintiff initiated this action in the Middle District of North Carolina asserting various claims for wrongful death.

3. Thereafter, Rhino answered Plaintiff’s Complaint and both the University and the Sorority moved to dismiss Plaintiff’s Complaint.

4. The Sorority’s motion to dismiss (ECF No. 31) remains pending.

5. Over the past several months, the Parties have been exploring the possibility of an early mediation and the parties have jointly agreed to conduct a global mediation in January 2020.

6. Although the Parties have not yet selected a mediator, the Parties are committed to January 2020 mediation. The Parties have already agreed to a significant pre-mediation document production.

7. All Parties have consented to this Motion and the requested stay.

8. The Court possesses the inherent power to stay proceedings incidental to its authority to control its docket “with economy of time and effort for itself, for counsel, and for litigants.” *Landis v. North American Co.*, 299 U.S. 248, 254 (1936). Three factors

are generally considered in weighing a motion to stay: “(1) the interests of judicial economy; (2) hardship and equity to the moving party if the action is not stayed; and (3) potential prejudice to the non-moving party.” *Westfield Ins. Co. v. Weaver Cooke Constr., LLC*, 4:15-CV-169-BR, 2017 WL 818260, at *2 (E.D.N.C. Mar. 1, 2017) (unpublished) (citation and internal quotation marks omitted).

9. Judicial economy is best served by granting the stay here as the stay may facilitate a resolution of this action without further Court intervention. The benefits from obtaining the stay outweigh any conceivable prejudice from the stay, especially given that all Parties have consented to the requested stay.

10. Within 10 days of the date on which the mediation process concludes, the Parties intend to notify the Court regarding the outcome of the mediation and, if appropriate, request that the stay be lifted.

WHEREFORE, the Parties respectfully request that the Court enter an Order staying all further proceedings, until such time as any party to the case moves the court to dissolve the stay.

This the 2nd day of December, 2019.

/s/ Robert J. King III

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CERTIFICATE OF SERVICE

I hereby certify that on this day, a copy of the foregoing has been served on all counsel of record via the Court's CM/ECF system.

This, the 2nd day of December, 2019.

/s/ Robert J. King III

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